

1 MICHAEL J. HARTLEY (State Bar No. 189375)
2 MACKENZIE E. HUNT (State Bar No. 251127)
3 **WESTON, BENSHOOF, ROCHEFORT,**
4 **RUBALCAVA & MacCUISH LLP**
5 333 South Hope Street
6 Sixteenth Floor
7 Los Angeles, California 90071
8 Telephone: (213) 576-1000
9 Facsimile: (213) 576-1100
10 Email: mhartley@wbcounsel.com
11 Email: mhunt@wbcounsel.com
12
13 Attorneys for Defendants
14 ANTARA BIOSCIENCES, INC.,
15 MARC R. LABGOLD and DANA ICHINOTSUBO
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IZUMI OHKUBO,

Plaintiff,

v.

ANTARA BIOSCIENCES, INC.
MARC R. LABGOLD AND DANA
ICHINOTSUBO,

Defendants.

Case No.: C07 06354 JW

**DECLARATION OF DEFENDANT
DANA ICHINOTSUBO SUBMITTED
IN CONJUNCTION WITH STATUS
REPORT ON JAPANESE
LITIGATION IN CONNECTION
WITH PENDING MOTION TO
DISMISS**

Honorable James Ware
Courtroom 8

Complaint Filed: December 14, 2007

1 I, Dana Ichinotsubo, do hereby declare as follows:

2 1. I have personal knowledge of the facts set forth herein and could
3 competently testify if required to do so.

4 2. I make this declaration in support of the Status Report filed herewith
5 by Defendants, Antara Biosciences, Inc. ("Antara"), Marc R. Labgold, Ph.D.
6 ("Labgold"), and myself (collectively, "Defendants").

7 3. I am a citizen and resident of the State of Hawaii. I also am an officer
8 and director of Antara and an officer and director of K.K. Eurus Genomics ("Eurus"),
9 which is located in Tokyo Japan.

10 4. As the Court knows, there is a co-pending Japanese litigation that
11 involves the same factual occurrences as the instant action.

12 5. In that case, Plaintiff's Ohkubo and Ohno, submitted only one third
13 party declaration – that of Mr. Toshiaki Suzuki – the individual that Defendants have
14 asserted is a necessary witness to the issues pending in this litigation.

15 6. On or about July 31, 2008, the Japanese court issued a decision in that
16 litigation in Mr. Ohkubo's favor.

17 I declare under the penalty of perjury that the foregoing is true and
18 correct.

19 Executed on August 1, 2008, at Honolulu, Hawaii.

20
21 
22 Dana Ichinotsubo

23
24
25
26
27
28